

S/N 09/077,572**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael A. Apicella et al.

Examiner: S. Devi

Serial No.: 09/077,572

Group Art Unit: 1645

Filed: October 13, 1998

Docket: 875.001US2

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES****BOX AF**Commissioner for Patents
Washington, D.C. 20231

In compliance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 21, 2001, of the Examiner rejecting claims 22-26, 29, 32 and 33 of the above-identified patent application.

Our check in the amount of \$310.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b).

We believe that no extension of time is necessary to respond to the Examiner's rejection, since Applicants filed their complete response within the two-month period from the date of mailing of the final Office Action. To date, Applicants have not received a further action from the Examiner, and are filing this Notice of Appeal to prevent possible abandonment.

If, in spite of the above explanation, a petition for extension and fees under 1.17(a) are deemed to be due, please consider this a request for extension, and charge any required fees to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL A. APICELLA ET AL.

By Applicants' Attorneys,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6961Date 17 August 2001 By Ann S. Viksnins
Ann S. Viksnins
Reg. No. 37,748

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to BOX AF, Commissioner of Patents, Washington, D.C. 20231 on August 17, 2001.

Candis B. Buending

Name

Signature Ann S. Viksnins

In re Patent Application of: Michael A. Apicella et al.

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Receipt is hereby acknowledged for the following in the United States Patent and
Trademark Office:

CONTENTS: Notice of Appeal (1 Page); check for fee of \$310.00; a Return Postcard
and TRANSMITTAL SHEET.

Mailed: August 17, 2001
ASV/cbb

Docket No.: 875.001US2
Due Date: August 21, 2001

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Notice of Appeal (1 Page).
- ☒ Check for Notice of Appeal fee of \$310.00.

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: ASL
Atty: Ann S. Viksnins
Reg. No. 37,748

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX AF, Commissioner for Patents, Washington, D.C. 20231, on this 17th day of August, 2001.

Candis B. Buending

Name

Signature

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)